

Introduced by Senator Calderon

February 21, 2008

An act to amend Sections 2902, 2904, 2960, 4040, 4502, 4502.1, and 4502.2 of, and to add Article 3.5 (commencing with Section 2949) to Chapter 6.6 of Division 2 of, the Business and Professions Code, relating to psychology.

LEGISLATIVE COUNSEL'S DIGEST

SB 1427, as introduced, Calderon. Psychologists: scope of practice: prescribing drugs.

The Psychology Licensing Law provides for the licensure and regulation of psychologists by the Board of Psychology, and the Pharmacy Law provides for the regulation of prescription drug and medical device dispensing by the California State Board of Pharmacy. The Psychology Licensing Law provides that the practice of psychology does not include the prescribing of drugs and does not authorize a psychologist to prescribe drugs or write prescriptions. Existing law additionally makes a violation of its provisions a crime and unprofessional conduct, constituting grounds for disciplinary action by the Board of Psychology.

This bill would enact the Collaborative Medication Treatment Management Act, which would revise these provisions to authorize a prescribing psychologist, as defined, to prescribe drugs for the treatment of specified disorders if certain requirements are met. This bill would require the Board of Psychology to establish and administer a certification process to grant licensed psychologists the authority to write prescriptions, and would require an applicant for certification as a prescribing psychologist to meet specified education and training requirements, including completion of a preceptorship, as specified,

and, upon certification, collaboration with a licensed physician, and surgeon, as specified. The bill would require the board to charge fees for the issuance and renewal of a certificate to cover the costs of administering the certification process, and would provide for the deposit of these fees in the Psychology Fund. The bill would require the board to establish requirements for the renewal of a certificate, including continuing education requirements, and to provide certain information to the California State Board of Pharmacy, including a list of psychologists certified to prescribe drugs.

This bill would include as unprofessional conduct, subject to disciplinary action by the board, a violation of particular provisions of law relating to the prescribing or dispensing of drugs.

By adding these provisions and thereby creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 Collaborative Medication Treatment Management Act.

3 SEC. 2. Section 2902 of the Business and Professions Code is
4 amended to read:

5 2902. As used in this chapter, unless the context clearly requires
6 otherwise and except as in this chapter expressly otherwise
7 provided, the following definitions apply:

8 (a) "Licensed psychologist" means an individual to whom a
9 license has been issued pursuant to the provisions of this chapter,
10 which license is in force and has not been suspended or revoked.

11 (b) "Board" means the Board of Psychology.

12 (c) A person represents himself or herself to be a psychologist
13 when the person holds himself or herself out to the public by any
14 title or description of services incorporating the words
15 "psychology," "psychological," "psychologist," "psychology
16 consultation," "psychology consultant," "psychometry,"

1 “psychometrics” or “psychometrist,” “psychotherapy,”
2 “psychotherapist,” “psychoanalysis,” or “psychoanalyst,” or when
3 the person holds himself or herself out to be trained, experienced,
4 or an expert in the field of psychology.

5 (d) “Accredited,” as used with reference to academic institutions,
6 means the University of California, the California State University,
7 or an institution that is accredited by a national or an applicable
8 regional accrediting agency recognized by the United States
9 Department of Education.

10 (e) “Approved,” as used with reference to academic institutions,
11 means an institution having “approval to ~~operate~~”, *operate*,” as
12 defined in Section 94718 of the Education Code.

13 (f) *“Board-approved provider” means a person or organization*
14 *approved by the board to provide continuing education to*
15 *California psychologists.*

16 (g) *“Collaborative medication treatment management” means*
17 *the authority to prescribe, order, administer, or dispense drugs or*
18 *controlled substances recognized for or customarily used, including*
19 *off-label applications, in the diagnosis, treatment, or evaluation*
20 *and management of individuals with mental or behavioral disorders*
21 *under the direction of a licensed physician and surgeon.*

22 (h) *“Device” has the same meaning as provided in Section*
23 *4023.*

24 (i) *“Drug” has the same meaning as described or provided in*
25 *Sections 4021, 4022, and 4025.*

26 (j) *“Prescribing psychologist” means a health service provider*
27 *who has received from the board, pursuant to Section 2949.1, a*
28 *valid certificate granting collaborative medication treatment*
29 *management certification, which certificate has not been revoked*
30 *or suspended.*

31 (k) *“Prescription” has the same meaning as provided in Sections*
32 *4040 and 4070.*

33 (l) *“Standardized procedure or protocol” means a medication*
34 *formulary agreed upon by a prescribing psychologist and his or*
35 *her collaborating physician and surgeon.*

36 SEC. 3. Section 2904 of the Business and Professions Code is
37 amended to read:

38 2904. The practice of psychology shall not include ~~prescribing~~
39 ~~drugs, performing surgery or administering electroconvulsive~~
40 ~~therapy~~ *any of the following:*

1 (a) *Prescribing drugs or devices, except by prescribing*
2 *psychologists, as defined in Section 2902.*

3 (b) *Performing surgery.*

4 (c) *Administering electroconvulsive therapy.*

5 SEC. 4. Article 3.5 (commencing with Section 2949) is added
6 to Chapter 6.6 of Division 2 of the Business and Professions Code,
7 to read:

8
9 Article 3.5. Prescribing Psychologists

10
11 2949. No person shall advertise or hold himself or herself out
12 as being engaged in collaborative medication treatment
13 management who is not a psychologist licensed under this chapter
14 and does not, in addition, meet the standards for a prescribing
15 psychologist established by the board.

16 2949.1. (a) On or before July 1, 2009, the board shall establish
17 and administer a process to grant licensed psychologists
18 certification as prescribing psychologists engaged in collaborative
19 medication treatment management. On or before July 1, 2009, the
20 board shall develop a procedure for
21 prescribing-psychologists-in-training to prescribe under the
22 supervision and license of a licensed physician and surgeon. The
23 board shall charge applicants reasonable fees for the issuance of,
24 and renewal of, a certificate to cover the costs of administering
25 the certification process. These fees shall be deposited in the
26 Psychology Fund.

27 (b) (1) Each applicant for certification as a prescribing
28 psychologist, as defined in subdivision (j) of Section 2902, shall
29 show by official transcript or other official evidence satisfactory
30 to the board that he or she has successfully completed an organized
31 and planned sequence of pharmacology and psychopharmacology
32 training deemed by the board to be consistent with this chapter.

33 (2) The board may certify a psychologist from a federal or other
34 state jurisdiction to practice as a prescribing psychologist if that
35 jurisdiction has authorized the psychologist to prescribe and if the
36 board determines that the psychologist has practiced with
37 competence. The board may also certify a psychologist to practice
38 as a prescribing psychologist if the psychologist has lawfully
39 prescribed under another professional license that authorizes
40 prescribing and the training and experience under the other license

1 is consistent with the training standards required for a prescribing
2 psychologist.

3 (c) In assessing the educational qualifications submitted by an
4 applicant, the board shall use the following standards to evaluate
5 a prescribing psychologist's educational preparation:

6 (1) (A) He or she shall be a licensed psychologist who has
7 completed a program comprising of a minimum of 450 hours in
8 clinical psychopharmacology from a regionally accredited
9 university or California state approved school terminating in a
10 postdoctoral masters degree in clinical psychopharmacology or a
11 professional certificate in clinical psychopharmacology from a
12 board-approved provider in continuing education. Courses taught
13 and offered by training programs in clinical psychopharmacology
14 shall have on its faculty a medical director and instructors trained
15 in clinical psychopharmacology and in relevant and related
16 professions. Applicants who have received a postdoctoral masters
17 degree in clinical psychopharmacology or a professional certificate
18 in clinical psychopharmacology prior to the date that this act takes
19 effect shall be deemed to have met the educational requirements
20 of this section.

21 (B) The 450 hours described in subparagraph (A) shall include
22 the following core curriculum in clinical psychopharmacology:

23 (i) One hundred thirty five hours of biological foundations,
24 including anatomy, physiology, biochemistry, and neuroscience.

25 (ii) Ninety hours of pharmacology consisting of 45 hours in
26 basic pharmacology and 45 hours in advanced pharmacology.

27 (iii) Ninety hours of clinical medicine consisting of 45 hours of
28 pathophysiology and 45 hours of physical assessment and lab
29 monitoring.

30 (iv) Forty-five hours of differential diagnosis and
31 pharmacotherapeutics, which shall include training in the California
32 Medication Algorithm Project.

33 (v) Forty-five hours of advanced topics in psychopharmacology,
34 including polymorphisms and prescribing for special populations,
35 such as children, the elderly, certain ethnic and race groups, and
36 differential gender responses to medications.

37 (vi) Forty-five hours of special topics in psychopharmacology,
38 including chemical dependency, ethics, and psychopharmacology
39 research.

1 (2) (A) He or she shall have completed a preceptorship under
2 the supervision of a physician and surgeon or other prescribing
3 practitioner of a minimum of 800 hours, of which a minimum of
4 200 hours are completed in a public health care facility, a nonprofit
5 private agency that receives public funding, a practice or clinic
6 that is located in a shortage area, or in a practice or clinic that
7 predominantly provides services to underserved populations.

8 (B) During the preceptorship period, the applicant and physician
9 supervisor shall maintain accurate records and data of all
10 prescriptions made by the applicant and approved by the supervisor.
11 Only those medications and conditions approved by the supervisor
12 shall be ordered. The minimum data recorded shall specify the
13 patient's name, the order date, the medication, dosage, and route,
14 the condition the drug was prescribed for, side effects, if any,
15 reported by the patient, the extent of physician supervision in the
16 process, the review date by the supervisor accompanied by the
17 supervisor's signature, and any other data requested by the
18 supervisor. Any side effects reported by the patient shall be
19 discussed with the supervisor as soon as practicable. At the end
20 of the preceptorship period and on a form provided by the board,
21 the supervisor shall attest that he or she has supervised the applicant
22 and that the applicant has performed competently and met all the
23 requirements of this paragraph. The form shall be dated and signed
24 by the supervisor and provided to the board in a timely manner.

25 2949.2. (a) A licensed psychologist who is holding himself or
26 herself out as a prescribing psychologist or who desires to hold
27 himself or herself out as a prescribing psychologist shall, within
28 the time prescribed by the board and prior to his or her next license
29 renewal or the issuance of an initial license, submit educational,
30 experience, and other credentials and information as the board
31 may require for the board to determine that the person qualifies to
32 use the title "prescribing psychologist," pursuant to the standards
33 and qualifications established by the board.

34 (b) Upon finding that a person is qualified to hold himself or
35 herself out as a prescribing psychologist, the board shall
36 appropriately indicate on the issued or renewed license, that the
37 person is qualified to use the title "prescribing psychologist." The
38 board shall also issue to each qualified person a certificate
39 evidencing that the person is qualified to use the title "prescribing
40 psychologist."

1 (c) A person who has been found to be qualified by the board
2 to use the title “prescribing psychologist” prior to the effective
3 date of this section shall not be required to submit any further
4 qualifications or information to the board and shall be deemed to
5 have met the requirements of this section.

6 2949.3. (a) After completion of the preceptorship described
7 in Section 2949.1, a prescribing psychologist shall maintain a
8 working, collaborative relationship with a physician and surgeon
9 to develop a standard protocol that shall detail the formulary that
10 the prescribing psychologist may prescribe. The standard protocol
11 shall be renewed annually, but may be updated more frequently
12 as needed by the parties. This article and any other provision of
13 law may not be construed to prohibit a prescribing psychologist
14 from furnishing or ordering drugs or devices when all of the
15 following apply:

16 (1) The drugs or devices are furnished or ordered by a
17 prescribing psychologist in accordance with standardized
18 procedures or protocols developed by the prescribing psychologist
19 and the collaborating physician and surgeon when the drugs or
20 devices furnished or ordered are consistent with the physician and
21 surgeon’s educational preparation or for which clinical competency
22 has been established and maintained.

23 (2) (A) The prescribing psychologist is functioning pursuant
24 to a standardized procedure, as described in this section, or
25 protocol. The standardized procedure or protocol shall be developed
26 and approved by the collaborating physician and surgeon, the
27 prescribing psychologist or psychologists, and if applicable, the
28 facility administrator, if any, or the designee. To the extent
29 possible, the prescribing psychologist shall utilize the California
30 Medication Algorithm Project medication algorithms for each class
31 of mental disorder that is agreed to by the prescribing psychologist
32 and the physician collaborator.

33 (B) (i) The standardized procedure or protocol covering the
34 furnishing of drugs or devices shall specify which drugs or devices
35 may be furnished or ordered, under what circumstances, the extent
36 of physician collaboration, the method of periodic review of the
37 prescribing psychologist’s competence, including peer review, and
38 review of the provisions of the standardized procedure.

39 (ii) The standardized procedure or protocol shall require that
40 the prescribing psychologist only prescribe for patients who have

1 a primary care physician and who have received medical clearance
2 by way of a recent physical examination. For patients receiving
3 treatment in a public or nonprofit community mental health facility
4 or clinic, this requirement may be modified. This requirement may
5 be waived for emergency treatment.

6 (iii) The standardized procedure or protocol shall require that
7 the prescribing psychologist provide primary care physicians with
8 a written report for any patient that is prescribed a psychotropic
9 medication. This report shall contain the medication prescribed,
10 the dosage, the reason for the medication, and any other data that
11 is relevant to the patient's treatment.

12 (iv) In addition to the requirements in subclause (i), for Schedule
13 II controlled substance protocols, the provision for furnishing
14 Schedule II controlled substances shall address the diagnosis of
15 the illness, injury, or condition for which the Schedule II controlled
16 substance is to be furnished.

17 (3) The furnishing or ordering of drugs or devices by a
18 prescribing psychologist occurs under physician collaboration.
19 Physician collaboration shall not be construed to require the
20 physical presence of the physician, but shall include collaboration
21 on the development of the standardized protocol, approval of the
22 standardized protocol, and making telephone contact available, if
23 necessary, at the time of patient examination by the prescribing
24 psychologist. The prescribing psychologist is not to be construed
25 as an agent of the collaborating physician.

26 (4) The board has certified in accordance with Section 2949.1
27 that the prescribing psychologist has satisfactorily completed at
28 least 800 hours of preceptorship under a physician and surgeon in
29 the furnishing or ordering of drugs or devices and a program in
30 clinical psychopharmacology covering the drugs or devices to be
31 furnished or ordered under this section.

32 (b) For purposes of this section, a physician and surgeon may
33 not supervise more than six prescribing psychologists at one time
34 during the preceptorship. This number may be increased by state
35 and county mental health facilities that demonstrate a shortage of
36 available psychiatrists.

37 (c) For purposes of this section, a physician and surgeon may
38 not have a collaborative relationship with more than six prescribing
39 psychologists, postpreceptorship, at any one time. This number

1 may be increased by state and county mental health facilities that
2 demonstrate a shortage of available psychiatrists.

3 (d) (1) Drugs or devices furnished or ordered by a prescribing
4 psychologist may include Schedule II through Schedule V
5 controlled substances under the California Uniform Controlled
6 Substances Act (Division 10 (commencing with Section 11000)
7 of the Health and Safety Code), but shall be limited to those drugs
8 agreed upon by the prescribing psychologist and collaborating
9 physician and specified in the standardized procedure.

10 (2) If Schedule II or III controlled substances, as defined in
11 Sections 11055 and 11056 of the Health and Safety Code, are
12 furnished or ordered by a prescribing psychologist, the controlled
13 substances shall be furnished or ordered in accordance with a
14 patient-specific protocol approved by the collaborating physician.
15 A copy of the section of the prescribing psychologist's standardized
16 protocol relating to controlled substances shall be provided, upon
17 request, to any licensed pharmacist who dispenses drugs or devices,
18 if there is uncertainty about the prescribing psychologist furnishing
19 the order.

20 (e) Use of the term “furnishing” in this section, with regard to
21 health facilities defined in Section 1250 of the Health and Safety
22 Code, shall include the ordering of a drug, device, and laboratory
23 or other appropriate diagnostic studies in accordance with the
24 standardized protocol.

25 (f) “Drug order” or “order” for purposes of this section means
26 an order for medication that is dispensed to or for an ultimate user,
27 issued by a prescribing psychologist as an individual practitioner,
28 within the meaning of Section 1306.02 of Title 21 of the Code of
29 Federal Regulations. Notwithstanding any other provision of law,
30 all of the following shall apply:

31 (1) A drug order issued pursuant to this section shall be treated
32 in the same manner as a prescription of the collaborating physician.

33 (2) All references to “prescription” in this code and the Health
34 and Safety Code shall include drug orders issued by prescribing
35 psychologists.

36 (3) The signature of a prescribing psychologist on a drug order
37 issued in accordance with this section shall be deemed to be the
38 signature of a prescriber for purposes of this code and the Health
39 and Safety Code.

1 2949.4. (a) All prescribing psychologists who are authorized
2 pursuant to Section 2949.3 to furnish or issue drug orders for
3 controlled substances shall register with the federal Drug
4 Enforcement Administration of the United States Department of
5 Justice.

6 (b) For purposes of this article, the furnishing or ordering of
7 drugs or devices by prescribing psychologists is defined to mean
8 the act of making a pharmaceutical agent or agents available to
9 the patient in strict accordance with a standardized procedure.

10 2949.5. Notwithstanding any other provision of law, a
11 prescribing psychologist may dispense drugs or devices upon an
12 order by a licensed physician and surgeon if the psychologist is
13 functioning within a licensed clinic as defined in paragraphs (1)
14 and (2) of subdivision (a) of Section 1206 of, or within a clinic as
15 defined in subdivision (b) or (c) of Section 1206 of, the Health
16 and Safety Code. A clinic may not employ a prescribing
17 psychologist to perform dispensing duties exclusively. A
18 prescribing psychologist may not dispense drugs in a pharmacy,
19 or keep a pharmacy, open shop, or drugstore for the retailing of
20 drugs or poisons. A prescribing psychologist may not compound
21 drugs.

22 2949.6. (a) The furnishing of drugs or devices by a prescribing
23 psychologist is conditional on issuance by the board of an
24 identification number to the psychologist applicant who has
25 successfully completed the requirements of subdivision (a) of
26 Section 2949.1. The identification number shall be included on all
27 transmittals of orders for drugs or devices by the prescribing
28 psychologist. The board shall make the list of identification
29 numbers issued available to the California State Board of
30 Pharmacy. The board may charge the applicant a fee to cover all
31 necessary costs to implement this section.

32 (b) The identification number issued pursuant to subdivision
33 (a) shall be renewable at the time of the applicant's license renewal.

34 (c) The board may revoke, suspend, or deny issuance of an
35 identification number for incompetence or gross negligence in the
36 performance of functions specified in this article.

37 2949.7. Nothing in this article shall be construed to limit the
38 current scope of practice of a licensed psychologist authorized
39 pursuant to this chapter.

1 2949.8. (a) The board shall set forth the requirements for
2 renewal of a certificate of a prescribing psychologist for each
3 license renewal period.

4 (b) Each applicant for renewal of a certificate for collaborative
5 medication treatment management shall present evidence of having
6 completed approved mandatory continuing education in the area
7 of psychopharmacology and related prescribing practice as set
8 forth by the board.

9 2949.9. (a) Each prescribing psychologist shall comply with
10 all state and federal rules and regulations relating to the prescribing,
11 dispensing, and recordkeeping for drugs or devices, as defined in
12 Sections 4021, 4022, 4023, 4025, and 4055, and other applicable
13 sections of this code. If the board determines that it facilitates
14 administration of this article to identify a prescribing psychologist
15 by another name that is consistent with other jurisdictions, the
16 board may do so.

17 (b) A written order of a prescribing psychologist shall include
18 his or her identification number assigned by the board pursuant to
19 Section 2949.6.

20 (c) A prescribing psychologist shall not delegate the prescribing
21 of medication to any other person except for a supervised trainee
22 in a preceptorship training program for prescribing psychologists.

23 (d) Records of all prescriptions shall be maintained in client
24 records.

25 2949.95. (a) The board shall frequently transmit to the
26 California State Board of Pharmacy a list of prescribing
27 psychologists containing, at a minimum, all of the following
28 information:

29 (1) The name of the psychologist.

30 (2) The unique identification number indicating certification to
31 prescribe.

32 (3) The effective date of collaborative medication treatment
33 management certification.

34 (b) The board shall promptly forward to the California State
35 Board of Pharmacy the names and identification numbers of
36 psychologists added to or deleted from the annual list of
37 psychologists certified to prescribe.

38 (c) The board shall notify the California State Board of
39 Pharmacy in a timely manner upon termination, suspension, or
40 reinstatement of a psychologist's authority to prescribe.

SEC. 5. Section 2960 of the Business and Professions Code is amended to read:

2960. The board may refuse to issue any registration, *certification* or license, or may issue a registration or license with terms and conditions, or may suspend or revoke the registration or license of any registrant or licensee if the applicant, registrant, or licensee has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not be limited to, *any of the following*:

(a) Conviction of a crime substantially related to the qualifications, functions or duties of a psychologist or psychological assistant.

(b) Use of any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or dangerous drug, or any alcoholic beverage to an extent or in a manner dangerous to himself or herself, any other person, or the public, or to an extent that this use impairs his or her ability to perform the work of a psychologist with safety to the public.

(c) Fraudulently or neglectfully misrepresenting the type or status of license or registration actually held.

(d) Impersonating another person holding a psychology license or allowing another person to use his or her license or registration.

(e) Using fraud or deception in applying for a license or registration or in passing the examination provided for in this chapter.

(f) Paying, or offering to pay, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of clients.

(g) Violating Section 17500.

(h) Willful, unauthorized communication of information received in professional confidence.

(i) Violating any rule of professional conduct promulgated by the board and set forth in regulations duly adopted under this chapter.

(j) Being grossly negligent in the practice of his or her profession.

(k) Violating any of the provisions of this chapter or regulations duly adopted thereunder.

(l) The aiding or abetting of any person to engage in the unlawful practice of psychology.

1 (m) The suspension, revocation or imposition of probationary
2 conditions by another state or country of a license or certificate to
3 practice psychology or as a psychological assistant issued by that
4 state or country to a person also holding a license or registration
5 issued under this chapter if the act for which the disciplinary action
6 was taken constitutes a violation of this section.

7 (n) The commission of any dishonest, corrupt, or fraudulent act.

8 (o) Any act of sexual abuse, or sexual relations with a patient
9 or former patient within two years following termination of therapy,
10 or sexual misconduct that is substantially related to the
11 qualifications, functions or duties of a psychologist or
12 psychological assistant or registered psychologist.

13 (p) Functioning outside of his or her particular field or fields of
14 competence as established by his or her education, training, and
15 experience.

16 (q) Willful failure to submit, on behalf of an applicant for
17 licensure, verification of supervised experience to the board.

18 (r) Repeated acts of negligence.

19 (s) *Violating Section 2949.3 relating to prescribing or*
20 *dispensing drugs.*

21 SEC. 6. Section 4040 of the Business and Professions Code is
22 amended to read:

23 4040. (a) "Prescription" means an oral, written, or electronic
24 transmission order that is both of the following:

25 (1) Given individually for the person or persons for whom
26 ordered that includes all of the following:

27 (A) The name or names and address of the patient or patients.

28 (B) The name and quantity of the drug or device prescribed and
29 the directions for use.

30 (C) The date of issue.

31 (D) Either rubber stamped, typed, or printed by hand or typeset,
32 the name, address, and telephone number of the prescriber, his or
33 her license classification, and his or her federal registry number,
34 if a controlled substance is prescribed.

35 (E) A legible, clear notice of the condition for which the drug
36 is being prescribed, if requested by the patient or patients.

37 (F) If in writing, signed by the prescriber issuing the order, ~~or~~
38 ~~the certified nurse-midwife, nurse practitioner, physician assistant,~~
39 ~~or naturopathic doctor who issues a drug order pursuant to Section~~
40 ~~2746.51, 2836.1, 3502.1, or 3640.5, respectively, or the pharmacist~~

1 ~~who issues a drug order pursuant to either subparagraph (D) of~~
2 ~~paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph~~
3 ~~(5) of, subdivision (a) of Section 4052.~~

4 (2) Issued by a physician, dentist, optometrist, podiatrist,
5 *prescribing psychologist*, veterinarian, or naturopathic doctor
6 pursuant to Section 3640.7 or, if a drug order is issued pursuant
7 to Section 2746.51, 2836.1, 3502.1, or 3460.5, by a certified
8 nurse-midwife, nurse practitioner, physician assistant, or
9 naturopathic doctor licensed in this state, or pursuant to either
10 subparagraph (D) of paragraph (4) of, or clause (iv) of
11 subparagraph (A) of paragraph (5) of, subdivision (a) of Section
12 4052 by a pharmacist licensed in this state.

13 (b) Notwithstanding subdivision (a), a written order of the
14 prescriber for a dangerous drug, except for any Schedule II
15 controlled substance, that contains at least the name and signature
16 of the prescriber, the name and address of the patient in a manner
17 consistent with paragraph (3) of subdivision (b) of Section 11164
18 of the Health and Safety Code, the name and quantity of the drug
19 prescribed, directions for use, and the date of issue may be treated
20 as a prescription by the dispensing pharmacist as long as any
21 additional information required by subdivision (a) is readily
22 retrievable in the pharmacy. In the event of a conflict between this
23 subdivision and Section 11164 of the Health and Safety Code,
24 Section 11164 of the Health and Safety Code shall prevail.

25 (c) “Electronic transmission prescription” includes both image
26 and data prescriptions. “Electronic image transmission
27 prescription” means any prescription order for which a facsimile
28 of the order is received by a pharmacy from a licensed prescriber.
29 “Electronic data transmission prescription” means any prescription
30 order, other than an electronic image transmission prescription,
31 that is electronically transmitted from a licensed prescriber to a
32 pharmacy.

33 (d) The use of commonly used abbreviations shall not invalidate
34 an otherwise valid prescription.

35 (e) Nothing in the amendments made to this section (formerly
36 Section 4036) at the 1969 Regular Session of the Legislature shall
37 be construed as expanding or limiting the right that a chiropractor,
38 while acting within the scope of his or her license, may have to
39 prescribe a device.

SEC. 7. Section 4502 of the Business and Professions Code is amended to read:

4502. As used in this chapter, “psychiatric technician” means any person who, for compensation or personal profit, implements procedures and techniques ~~which~~ *that* involve understanding of cause and effect and ~~which~~ *that* are used in the care, treatment, and rehabilitation of mentally ill, emotionally disturbed, or mentally retarded persons and who has one or more of the following:

(a) Direct responsibility for administering or implementing specific therapeutic procedures, techniques, treatments, or medications with the aim of enabling recipients or patients to make optimal use of their therapeutic regime, their social and personal resources, and their residential care.

(b) Direct responsibility for the application of interpersonal and technical skills in the observation and recognition of symptoms and reactions of recipients or patients, for the accurate recording of such symptoms and reactions, and for the carrying out of treatments and medications as prescribed by a licensed physician and surgeon ~~or a~~, psychiatrist, *or prescribing psychologist*.

The psychiatric technician in the performance of such procedures and techniques is responsible to the director of the service in which his *or her* duties are performed. The director may be a licensed physician and surgeon, psychiatrist, psychologist, rehabilitation therapist, social worker, registered nurse, or other professional personnel.

Nothing herein shall authorize a licensed psychiatric technician to practice medicine or surgery or to undertake the prevention, treatment or cure of disease, pain, injury, deformity, or mental or physical condition in violation of the law.

SEC. 8. Section 4502.1 of the Business and Professions Code is amended to read:

4502.1. A psychiatric technician, working in a mental health facility or developmental disability facility, when prescribed by a physician and surgeon *or prescribing psychologist*, may administer medications by hypodermic injection.

SEC. 9. Section 4502.2 of the Business and Professions Code is amended to read:

4502.2. A psychiatric technician, when prescribed by a physician and surgeon *or prescribing psychologist*, may withdraw blood from a patient with a mental illness or developmental

1 disability if the psychiatric technician has received certification
2 from the board that the psychiatric technician has completed a
3 prescribed course of instruction approved by the board or has
4 demonstrated competence to the satisfaction of the board.

5 SEC. 10. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 the only costs that may be incurred by a local agency or school
8 district will be incurred because this act creates a new crime or
9 infraction, eliminates a crime or infraction, or changes the penalty
10 for a crime or infraction, within the meaning of Section 17556 of
11 the Government Code, or changes the definition of a crime within
12 the meaning of Section 6 of Article XIII B of the California
13 Constitution.